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Remarks

The Examiner has objected to the Information Disclosure Statement as failing to incorporate a legible copy of each foreign cited document and has consequently failed to consider the first two documents listed under the foreign patent document section of the IDS. In response thereto, the Examiner is referred to the international portion of the instant file in which the references not considered by the US PTO are included. In particular, these references were the result of an international search and have been characterized by the search report thereby satisfying all requirements of 37 CFR 1.98. The Examiner is therefore respectfully requested to retrieve the subject documents from the international portion of the file and to consider those documents while initialing the Information Disclosure Statement in the usual fashion.

Claim 16 is objected to for lack of antecedent basis referring to recitation of the sleeves as well as a user's hands. In response thereto, claim 16 has been amended accordingly. Review and acceptance is requested.

Claim 18 is also objected to due to lack of antecedent basis. This has been corrected in the instant amendment, since the base claim now includes recitation of the sleeves. This also applies to claim 16.

Claims 9, 11 through 15 and 17 stand rejected under 35 USC 102(b) as being anticipated by Griesbach '706. Claims 10, 16 and 18 through 21 stand rejected under 35 USC 103(a) as being unpatentable over Griesbach in view of Krzewinski '728.

In responding to these rejections, the Applicant has amended independent claim 9 to more closely specify the unique features of the instant invention. In particular, the outer layer is now recited as comprising a melt blown layer sandwiched between two spunbond layers. The liquid impermeable barrier layer is recited as comprising a liquid impermeable sheet and an inner non-woven layer facing the user. Moreover, the recitation of former claim 10 has been incorporated in amended claim 9, specifying that the clothing comprises a front part and integrally connected sleeves. The Applicant respectfully submits that amended claim 9 is distinguished from the Griesbach reference for the following reasons.

Griesbach does not disclose a piece of clothing, rather a cover and therefore fails to recite the integrally connected sleeves. Moreover, Griesbach recites a barrier layer which is not a laminant rather simply comprises one sheet. In particular, Griesbach fails to disclose a laminant barrier layer comprising a liquid impermeable layer and a non-woven layer facing the user. Griesbach mentions the possibility of adding a coating on the inner barrier layer sheet to prevent slippage which can be, in particular, an application of glue (see claim 1 as well as column 4 lines 1 through 13). The invention is therefore distinguished from the Griesbach reference not only through recitation of an additional inner layer but also through specification of the SMS outer layer which, in and of itself, has barrier properties. This contrasts, sharply with the disclosure of the outer layer of Griesbach, since the Griesbach outer layer is hydrophilic and contains melt spun fibers. The recitation of a non-woven inner layer facing the user as now claimed provides for improved comfort relative to the simple foil of Griesbach. Neither the structure now claimed nor the advantages associated therewith are disclosed by the Griesbach reference.

Claim 9 as amended is therefore sufficiently distinguished from the Griesbach disclosure to satisfy the conditions for patenting in the United States.

The dependent claims have been rejected in part under combinations of Griesbach and Krzewinski '728. The Applicant respectfully disagrees with these obviousness rejections for the following reasons.

Krzewinski discloses a disposable article of clothing having reinforcement elements on the arms and in the front region. However, one of average skill in the art, combining the outer material of Griesbach with the disclosure of Krzewinski, would still not arrive at the recitation of claim 9 as amended. In particular, both publications require a reinforcement layer to be introduced in regions in which the outer material is absorbent. Towards this end, the publication of Krzewinski discloses an outer surface 58a which serves, for example, to absorb blood or water during an operation. A liquid impermeable inner barrier layer 58b is also provided (column 4, lines 37 and following).

An arm region is disclosed, having an outer liquid impermeable non-woven material as well as an inner barrier layer with an inwardly directed absorbing layer for perspiration absorption. However, use of the material suggested by Griesbach at this location leads one of average skill in the art away from the teaching of the instant invention, since the outer material of Griesbach (see in particular claim 1) is a hydrophilic melt spun fabric, i.e. one which absorbs liquid, and not one which presents a liquid barrier. A corresponding material would therefore simply be used in the front region of the clothing in order to absorb liquids, but not in the region

of the arms in order to maintain the advantages disclosed by Krzewinski, namely that blood is not absorbed in the region of the arms. Krzewinski also fails to provide further motivation for a laminant comprising a non-woven material. On the contrary, column 5 lines 1 and following suggest that three layers should only be used in the regions of the wrists and the elbows.

The combination in accordance with the invention of having a blocking layer comprising a laminant material with a bonded non-woven layer requires modification of the prior art of record to include additional bonding steps between two layers in order to produce the article. The recitation in accordance with the invention therefore leads to more simplified manufacture of the article with associated economic advantages. Moreover, the invention does not recite a hydrophilic material, rather an SMS material which has liquid impermeable properties in view of the melt blown layer. The SMS material is permeable to air and water vapor but nevertheless allows heat to pass through while blocking bacteria and liquids. Therefore the melt blown layer already provides selective barrier action while nevertheless having favorable haptic properties in view of the spun bond material.

In addition to the modification of claim 9, the Applicant has submitted new claims 22, 23 and 24. New claim 22 contains the limitations of amended claim 9 with additional limitations specifying that the clothing has a water vapor permeability in excess of 2,000 g/m² in reinforced locations (see paragraph 24 of the laid open publication). This limitation specifies increased comfort to the user. New claim 23 specifies that the clothing has a resistance to water in excess of 150 cm in reinforced locations (see laid

open publication paragraph 22). This improves the barrier properties of the article. New claim 24 recites a two part article of clothing comprising a front part having the properties of amended claim 9 and with separate sleeves integrally connected to the front part, the sleeves being made from a laminated liquid impermeable barrier layer having an outer non-woven layer and an inner liquid impermeable layer facing the user. Therefore, the arms are made from a different material than the remaining portion of the clothing (disclosed in paragraph 16 of the specification laid open publication). This structure has the advantages disclosed in that paragraph of the specification, namely increased manufacturing ease, reduction of materials, and improved freedom of motion in the arm region, thereby increasing comfort through use of a thinner material.

The dependent claims of record inherit the limitations of amended claim 9 and are therefore similarly distinguished from the prior art of record for the reasons given. The Applicant believes this application to be in a position of allowance and requests favorable review by the USPTO as well as passage to issuance.

No new matter has been added in this amendment.

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Respectfully submitted,

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